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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,303	09/08/2003	Richard B. Klein	LYNK.107728	9755
5251	7590	07/26/2004	EXAMINER	
SHOOK, HARDY & BACON LLP 2555 GRAND BLVD KANSAS CITY,, MO 64108			NOVOSAD, JENNIFER ELEANORE	
			ART UNIT	PAPER NUMBER
			3634	

DATE MAILED: 07/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/657,303

Applicant(s)

KLEIN ET AL. 

Examiner

Jennifer E. Novosad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003 and 29 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12-15-2003</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This non-final office action is in response to the application filed September 8, 2003 and the preliminary amendment of December 29, 2003 by which claims 2-4 were added.

Abstract

Applicant is reminded of the proper content of an abstract of the disclosure. The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art, as in lines 5-7.

Specification

The disclosure is objected to because of the following informalities:

In line 2 of paragraph [0002], --now U.S. Patent No. 6,637,603,-- should be inserted before "which".

In line 3 of paragraph [0002], "09/641,794, filed August 19, 1999" should be changed to --09/641,323, filed August 18, 2000--. Note the declaration and U.S. Patent No. 6,533,127.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,270,796 (Hauser '796).

Hauser '796 discloses a shoe rack for hanging on a door (B) comprising first and second opposed side frame members (39 and 10) each having a main body section (39) and a plurality of support arms (42) projecting outwardly therefrom and terminating in free ends displaced from the frame members and the door (B); the frame members presenting a substantially vertical structure spaced from the door and extending the length thereof, i.e., since 10 is spaced from door (at 17) then element 39, which is attached to 10, is spaced from the door also; a plurality of shoe-retaining bars (41) extend between the side frame members (39) and are oriented in tiers such that each tier has a first bar (41) located higher and closer to the door (B) than second and third bars (41) and the second and third bars (41) form a parallel pair of bars located on the free ends of the arms (42) so that a shoe placed on the bars (41) is angled upwardly towards the door and engages all three of the bars (41); *with respect to claims 2-4*, the bars (41) on the free ends of the arms (42) define the bars "arranged in pairs".

Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 1,404,555 (Smith '555).

Smith '555 discloses a shoe rack for hanging on a door which comprises a pair of opposed frame sides (g) spaced apart from one another and presenting a substantially vertical structure spaced from the door (see Figure 2); a plurality of shoe retaining bars (h) are arranged in pairs and extend between the frame sides whereby the vertical structures (g) act as lateral barriers for the shoes placed on the bars (h).

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Claims 2-4 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,695,073 (Klein *et al.* '073).

Klein *et al.* '073 disclose a shoe rack for hanging on a door which comprises a frame (at 22 and 40) having a hanger (25) for hanging on an upper edge of a door; a pair of opposed frame sides (14) on the frame and spaced apart from one another and presenting a substantially vertical structure spaced from the door; a plurality of shoe retaining bars (20, 21) are arranged in pairs and extend between the frame sides whereby the vertical structures act as lateral barriers for the shoes placed on the bars (20, 21).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer E. Novosad whose telephone number is (703)-305-2872. The examiner can normally be reached on Monday-Thursday, 5:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (703)-308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jennifer E. Novosad

Examiner

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Jennifer E. Novosad/jen

July 22, 2004